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JFK ASSASSINATION SYSTEM
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DOCUMENT INFORMATION

AGENCY ORIGINATOR : CIA
FROM : ASST. GENERAL COUNSEL
TO : PAMELA A. MOREAU, ESQ.
TITLE : LETTER: LESAR V. CIA (RE MINUTES OF DCI MORNING
MEETINGS)
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JFK ASSASSINATION
DCI MINUTES

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[R] - ITEM IS RESTRICTED 104-10331-10030

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

rec'd April 15

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Office of General Counsel

OGC-93-51110

6 April 1993

Pamela A. Moreau, Esq.
Federal Programs Branch
Civil Division
U.S. Department of Justice
901 E Street, N.W.
Washington, D.C. 20530

Re: Lesar v. CIA, No. 92-2215 CRR

Dear Ms. Moreau:

This letter advises you that the Director of Central Intelligence has determined, as a matter of policy, to direct the Agency to search the minutes of DCI Morning Meetings for information responsive to the Freedom of Information Act request underlying the referenced litigation.

Pursuant to our conversation with James Lesar, the search will be limited to the minutes for meetings occurring on or between the dates 22 November 1963 and 31 December 1979. Responsive portions of the minutes, if any, may constitute "assassination records" under the the President John F. Kennedy Assassination Records Collection Act of 1992 (ARCA), Pub. L. No. 102-526, 106 Stat. 3443 (October 27, 1992). Therefore, responsive portions probably will be transferred to the Agency's Historical Review Group (HRG) for processing under the standards of the ARCA. The HRG, already fully engaged processing the records at issue in the Allen v. DOD and AARC v. CIA cases, probably will not be able to address this information until late summer or early fall 1993. Under the ARCA, the Agency has until 22 August 1993 to complete its review of identified assassination records. The HRG is making its best possible effort to meet that deadline.

In light of the Director's decision, I see our options for responding to this litigation as:

(1) moving to dismiss the case for failure to exhaust administrative remedies--no administrative appeal. If successful, this would remove plaintiff's argument that he is entitled to some expedited treatment under the ARCA.

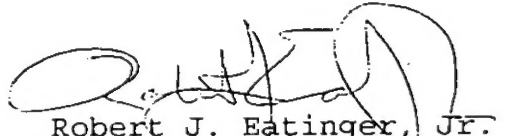
(2) moving for an Open America stay on a first-in, first-out basis. There are a number of FOIA requests that predate the one at issue in this case. For instance, the Allen request predates this one and, therefore, should be processed first, even if the litigation is settled.

Pamela A. Moreau, Esq..

(3) attempting to settle with Mr. Lesar by agreeing to provide him with free copies of whatever responsive portions of the minutes are located and released under the ARCA. In exchange for this agreement, Mr. Lesar must dismiss the litigation with prejudice.

Each option has its own merits. Please call me so we may discuss these courses of action.

Sincerely,



Robert J. Eatinger, Jr.
Assistant General Counsel

DCI/OGC/RJE:ig 76105/ 6 Apr 1993

OGC-93-51110

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